

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

DAVID R. CARLSON,

Plaintiff,

v.

D.O.C. Prison Warden BECKY DOOLY,
Sgt. JOHNSON, and Sgt. HOLT,

Defendants.

Civil No. 13-0241 (JNE/JJG)

**ORDER ON REPORT
AND RECOMMENDATION**

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to the Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. The Report and Recommendation are **ADOPTED**;
2. Plaintiff's application for leave to proceed in forma pauperis, (Docket No. 2), is **DENIED**;
3. This action is summarily **DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1);
4. Plaintiff is required to pay the unpaid balance of the Court filing fee, namely the sum of \$338.00, in accordance with 28 U.S.C. § 1915(b)(2);

5. Plaintiff's motions for appointment of counsel and discovery, (Docket No. 4), are **DENIED**; and
6. The dismissal of this action shall be counted as a "strike" against Plaintiff for purposes of 28 U.S.C. § 1915(g).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 24, 2013

s/Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge